



RULES/AGENCY RULES COMMITTEE

Meeting Report
September 29, 2004

PRESENT: Chair Dando, Members Chavez, Cortese, and Williams.
Councilmember Nora Campos attended as the alternate member.

ABSENT: Member Yeager (excused).

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, Assistant City Manager Mark Linder, Assistant to the City Manager Deanna Santana, Council Agenda Manager for the Mayor's Office Jennifer Carlino, and Redevelopment Agency Liaison Gary Miskimon

Chair Dando called the meeting to order at 2:00 p.m.

A. Redevelopment Agency

1. Review of the October 12, 2004 Draft Agenda

The Committee recommended approval of the October 12, 2004 Redevelopment Agency agenda.

2. Add New Items to October 5, 2004 Agenda

The Committee recommended the following addition to the October 5, 2004 Redevelopment Agency agenda:

- **Redevelopment Board Requests**

None.

- **Executive Director Requests**

- a. Public Hearing on the Redevelopment Agency of San Jose's Proposed Operating and Capital Budgets for Fiscal Year 2004-2005, and the Proposed Capital Improvement Program for Fiscal Year 2005-2006 (TO BE HEARD IN THE EVENING)

- **RDA Counsel Requests**

None.

3. Staff Reports Outstanding

Documents Filed: Report from Redevelopment Agency Liaison Gary Miskimon, dated September 29, 2004, stating there are no outstanding reports.

Discussion/Action: The Committee noted and filed the Redevelopment Agency Liaison's report.

B. City Council

1. Review of the October 12, 2004 Draft Agenda

The Committee recommended approval of the October 12, 2004 City Council agenda, with the following additions:

- a. Approval of Council Member Forrest Williams' travel request (Williams)
- b. Acceptance of City Auditor's Reports (City Auditor)
- c. Recommendation to Name a New Park (City Clerk)

2. Add New Items to October 5, 2004 Agenda

The Committee recommended the following additions to the October 5, 2004 City Council agenda:

Mayor and Councilmember Requests

- a. Presentation of a commendation to the Eastside Church of God in Christ after 34 years of loyal and dedicated service to the community. (Campos)
- b. Council consideration of a resolution condemning the closure of San José Medical Center. (Chavez)
- c. Council consideration of a resolution supporting the effort to bring Major League baseball to San José. (Mayor)

City Manager Requests

- a. Presentation of the Silicon Valley/San Jose Business Journal 2004 Structure Awards related to the New City Hall. (City Manager)
- b. Approval to express interest in the possible future purchase of land from the Alum Rock Elementary School District (City Manager)

- c. Approval of actions related to Council Members' travel to participate in the San Jose Silicon Valley Chamber of Commerce/City of San Jose City to City visit. (City Manager)

City Attorney Requests

- a. Adoption of an urgency ordinance to allow the use of padded-jaw leg-hold traps. (City Attorney)

City Clerk Requests

- a. Approval of an ordinance amending Chapter 12.08 of San José Municipal Code to revise the City of San José Gift Ordinance (Blue Ribbon Task Force/City Attorney)

3. Staff Reports Outstanding

Documents Filed: Report from the City Manager's Office dated September 29, 2004, listing six (6) staff reports outstanding for the October 5, 2004 Council Agenda.

Discussion/Action: The Committee noted and filed the City Manager's report.

C. Legislative Update

1. State

- a. **Approve City Positions on November 2004 State Ballot Propositions**
This item was reported on at the October 5, 2004 City Council meeting.
[See 10-5-04 Item #3.2 c(1)(a)]

2. Federal

There was no report.

D. Meeting Schedules

There were none.

E. Public Record

Documents Filed: Memorandum from the City Clerk dated September 23, 2004, transmitting items filed for the Public Record for the period September 8-21, 2004.

Discussion/Action: The Committee noted and filed the Public Records.

F. Appointments to Boards, Commissions and Committees

There were none.

G. Rules Committee Reviews, Recommendations and Approvals

1. High-Rise Safety Regulation Review

Documents Filed: Memorandum from Fire Chief Jeffrey L. Clet, dated September 22, 2004.

Discussion/Action: Member Chavez expressed concern in the delay of completion of the review. The Committee accepted the recommendation to allow the drafting of the High-Rise Safety Regulation Review and timeline for ordinance completion to be extended to January 2005.

2. Revision of Definition of Surviving Child

This item was reported on at the October 5, 2004 City Council meeting

Documents Filed: Memorandum from City Attorney Richard Doyle, dated September 27, 2004, regarding the waiver of the meet and confer process in order to implement the "surviving child" benefit.

Discussion/Action: City Attorney Richard Doyle advised the Committee that the waiver of the right to meet and confer by one party does not suspend the duty to bargain. Both parties to an agreement must agree to waive their rights to meet and confer in order to implement a retirement benefit enhancement. The Committee recommended that this item be referred to the Closed Session of October 5, 2004.

H. Oral Communications

None were presented.

I. Adjournment

The meeting adjourned at 3:00 p.m.

Pat Dando, Chair
Rules/Agency Rules Committee